

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

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6	CAROLE RUIKKA,)	
7)	No. CV-12-3112-CI
8	Plaintiff,)	
9)	ORDER GRANTING DEFENDANT'S
10	v.)	MOTION FOR SENTENCE SIX
11)	REMAND PURSUANT TO
12	MICHAEL J. ASTRUE,)	42 U.S.C. § 405(g)
13	Commissioner of Social)	
14	Security,)	
15)	
16	Defendant.)	

BEFORE THE COURT is Defendant's Motion for Sentence Six remand of the above-captioned matter to the Commissioner for additional administrative proceedings. ECF No. 7. The parties have consented to proceed before a magistrate judge. ECF No. 3

Pursuant to Sentence Six of 42 U.S.C. § 405(g) ("Sentence Six"), the court may remand the case to the Commissioner for good cause shown before the Commissioner files an Answer. See *Melkonyan v. Sullivan*, 501 U.S. 89, 98, 101 n.2 (1991). Here, Defendant has not filed an Answer and seeks a voluntary remand because the claim file and recording of the administrative hearing held on May 23, 2012, cannot be located. ECF No. 7 at 2. Plaintiff does not oppose this Motion.

Sentence Six further requires the Commissioner to return to the district court to "file with the court any such additional or modified findings of fact and decision, and a transcript of the

1 additional record and testimony upon which his action in modifying
2 or affirming was based." *Id.* at 98 (*quoting* Sentence Six).
3 Consequently, the court retains jurisdiction over the action pending
4 further development of the record. *See Shalala v. Schaefer*, 509
5 U.S. 292, 300 (1993). Accordingly, for good cause shown,

6 **IT IS ORDERED:**

7 1. Defendant's Motion for Sentence Six remand, **ECF No. 7**, is
8 **GRANTED.**

9 2. On remand, the Commissioner shall continue to search for
10 the missing recording and file. If the recording cannot be located,
11 the Appeals Council will remand the case to an administrative law
12 judge for a *de novo* hearing.

13 3. If the outcome of the *de novo* hearing is unfavorable to
14 Plaintiff, she may seek judicial review by reinstating this case
15 **without filing a new Complaint.**

16 4. **If the outcome of the *de novo* hearing is favorable to**
17 **Plaintiff, the parties are directed to move this court for entry of**
18 **Judgment.**

19 5. The court shall maintain jurisdiction of this action.

20 6. **No judgment shall be entered.**

21 7. The District Court Executive is directed to enter this
22 Order and forward copies to counsel. **The case shall be**
23 **administratively closed pending the outcome of further proceedings.**

24 DATED December 27, 2012.

25
26 S/ CYNTHIA IMBROGNO
27 UNITED STATES MAGISTRATE JUDGE
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